

Attorney's Docket No.: 003764.P002

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (FOR GUIDANT CORPORATION PATENT APPLICATIONS)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original first, and sole inventor (if only one name is listed below) or an original

first, and joint ir		listed below) of the subject matter vention entitled	
COND	UIT SYSTEM FOR ISOLAT	TION OF FLUIDS IN BIOLOGICAL	TISSUES
the specification	n of which		017
X		olication Number09/475,768 nal Application Number	MAR 0 8 200
		derstand the contents of the above- ended by any amendment referred t	
United States of publication in a application, that than one year p subject of an in- foreign to the U or assigns more patent application	of America before my inventing country before my invention to the same was not in publication to this application, and ventor's certificate issued by the States of America on the than twelve months (for a con) prior to this application.	laimed invention was ever known or ion thereof, or patented or described tion thereof or more than one year per use or on sale in the United States that the invention has not been pate efore the date of this application in a an application filed by me or my legutility patent application) or six mon	d in any printed prior to this sof America more ented or made the any country al representatives ths (for a design
defined in Title	37, Code of Federal Regula	ations, Section 1.56.	
365(b) of any for international ap America, listed inventor's certifi	oreign application(s) for pate plication which designated below and have also identif	er Title 35, United States Code, Secent or inventor's certificate, or 365(a at least one country other than the lied below any foreign application fo tional application having a filing date.) of any PCT Jnited States of r patent or
Prior Foreign A	pplication(s)		Priority <u>Claimed</u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	(Day/Month/Year Filed)	Vos. No.



(Application Number)	Filing D	Date	
(Application Number)	Filing D	Date Control of the C	
application(s), or 365(c) of America, listed below and is not disclosed in the prior provided by the first parage duty to disclose all information. Code of Federal Regulation	f any PCT Internation, insofar as the subject United States or Pograph of Title 35, Unitation known to me to ons, Section 1.56 which	d States Code, Section 120 nal application designating the ct matter of each of the claim CT International application and States Code, Section 11 be material to patentability and the company of the co	ne United states of ms of this application in the manner 2, I acknowledge the as defined in Title 37, en the filing date of
the prior application and t	ne national or PCT in	nternational filing date of this	application:
		(Status patented, pending, abandoned)	Parent Patent No. (if applicable)
(U.S. Parent Application or)	Parent Filing Date	(Status patented,	Parent Patent No.
(U.S. Parent Application or) PCT Parent No.) (U.S. Parent Application or) PCT Parent No.) I hereby appoint the personal part of this document) as substitution and revocation	Parent Filing Date Parent Filing Date ons listed on Appending respective patent, to prosecute this a	(Status patented, pending, abandoned) (Status patented,	Parent Patent No. (if applicable) Parent Patent No. (if applicable) prated by reference and as, with full power of
(U.S. Parent Application or) PCT Parent No.) (U.S. Parent Application or) PCT Parent No.) I hereby appoint the personal part of this document) as substitution and revocation Trademark Office connected. Send correspondence to the personal part of the substitution and revocation to the personal part of the personal part o	Parent Filing Date Parent Filing Date Parent Filing Date ons listed on Appendication and the parent of Attorney (Name of Attorney)	(Status patented, pending, abandoned) (Status patented, pending, abandoned) ix A hereto (which is incorporational patent agents application and to transact allowed)	Parent Patent No. (if applicable) Parent Patent No. (if applicable)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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APPENDIX A

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I also hereby appoint Earl A. Bright II, Reg. No. 37,045; Ronald D. Devore, Reg. 39,958; Thomas A. Hassing, Reg. No. 36,159; Tim L. Kitchen, Reg. No. 41,900; Philip S. Yip, Reg. No. 37,265; my attorneys of Guidant Corporation located at 3200 Lakeside Drive, Santa Clara, CA 95054, telephone (408) 845-3000; and Guidant Corporation located at 1525 O'Brien Drive, Menlo Park, CA 94025, telephone (650) 470-6200; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facle case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.